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208661



August 7, 2003

ENTERED
Office of Proceedings

AUG 8 2003

Vernon A. Williams, Secretary
Surface Transportation Board
1925 "K" Street, NW
Washington, D.C. 20423-0001

Part of
Public Record

VIA FAX: 202-565-9002

RE: Union Pacific Railroad Abandonment, Story and Polk Counties in Iowa;
STB Docket No. AB-33 (Sub-No. 206X)

CORRECTION TO PETITION OF AUGUST 6, 2003

Dear Mr. Williams:

This comment should be treated as a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the Story and Polk County Conservation Boards (public agencies), and the Iowa Natural Heritage Foundation (non-profit corporation), which are parties interested in conservation and recreation, and are hereinafter referred to as "Commenter".

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between milepost 10.7 near Ankeny to milepost 341.1 (Equation: $23.20 = 339.60$) near Slater, in Polk and Story Counties, IA. The line traverses United States Postal Service Zip Codes 50015, 50021, 50244.

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, including **real estate, ballast and bridges**, for public use on reasonable terms. The justification for this condition is that the corridor is located in Central Iowa near larger communities and would make an excellent transportation and recreation trail and conversion of the property to trail use is in accordance with the Central Iowa Trail Plan and Iowa Trails 2000 (State Trails Plan). In addition, the corridor provides important wildlife habitat and greenspace and its preservation, as a trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to complete negotiations with the railroad.

2. An order barring removal or destruction of potential trail-related structures such as bridges, ballast, trestles, culverts and underpasses. The justification for this condition is that these structures have considerable value for trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is highly suitable for railbanking and interim trail use. In addition to the public use conditions sought above, Commenter also makes the following statement:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL

RESPONSIBILITY: In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C.1247(d), and 49 C.F.R. 1152.29, Commenter is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by UP Railroad Company after transfer of the corridor to the public agencies.

The Story and Polk County Conservation Boards and the Natural Heritage Foundation acknowledge that the use of the right-of-way is subject to the users continuing to meet its responsibilities described above and subject to

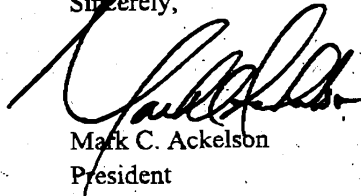
possible future reconstruction and reactivation of the right-of-way for rail service.

The property extends from milepost 10.7 near Ankeny to milepost 341.1 near Slater, in Polk and Story Counties, IA. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-No. 206X). A map depicting the right-of-way is attached.

By my signature below, I certify service upon Union Pacific Railroad Company c/o Mack Schumate, Room 1920, 101 N. Whacker Drive, Chicago, IL 60606, by U.S. Mail, postage prepaid, first class, today, August 8, 2003 and via FAX number 312-777-2065.

On behalf of the Story and Polk County Conservation Boards and the Iowa Natural Heritage Foundation, thank you for your consideration of this petition.

Sincerely,

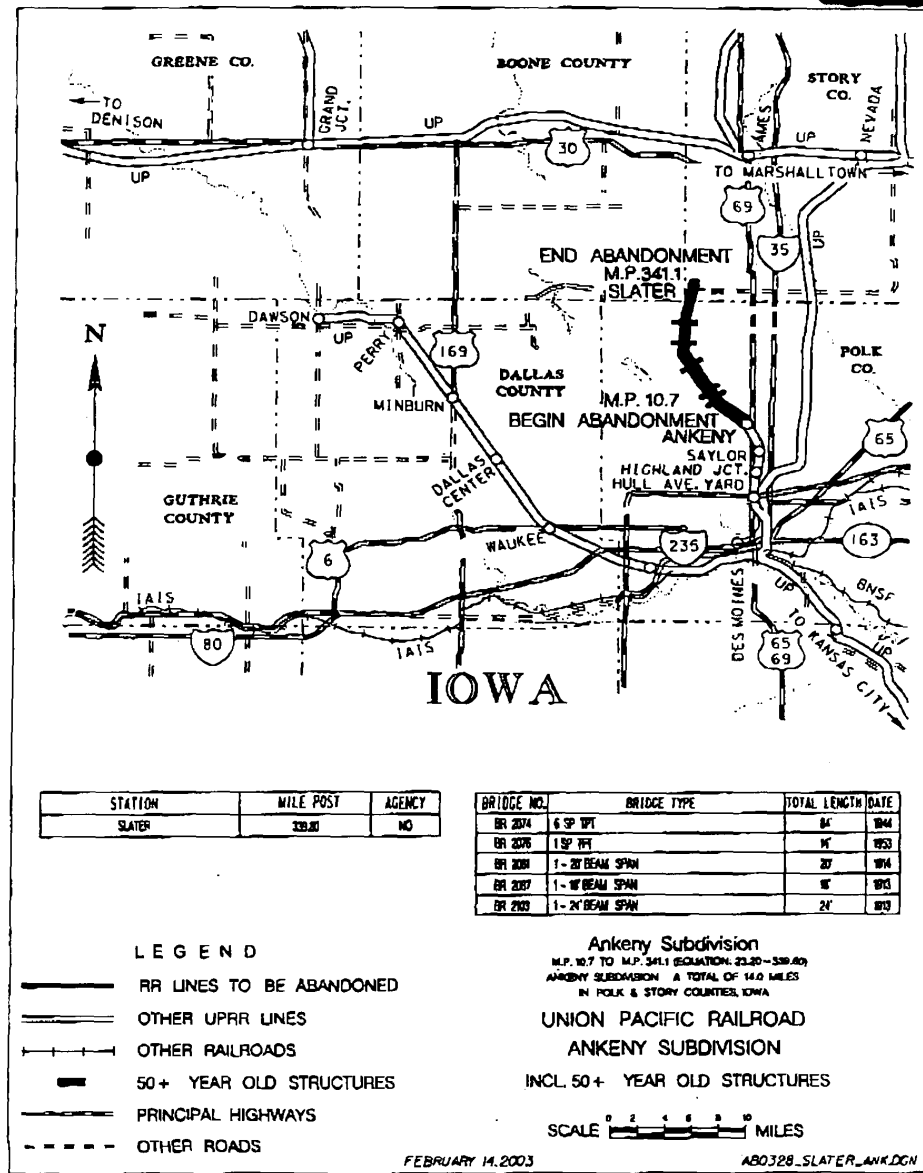


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"for those who follow"



TO:

Vernon Williams

FAX #:

202-565-9002

FROM:

Lisa Hein

DATE:

8/8/03

SUBJECT:

AB-33 Sub 206X

PAGES:

(includes cover sheet) 5

NOTES:

This letter is a correction to the previous petition dated 8/6/03. The request to retain track and ties in the public use condition was incorrect. Original will be sent in the mail. Thanks